

The Brockton Conservation held a meeting in the GAR Room, City Hall, Brockton on Thursday, May 27, 2010 at 7:00 PM. Members present: Chairperson Stephanie Danielson, Scott Ford, Timothy Reilly and James Bosco. Also present were secretary Pamela Gurley and Marta and Henry Nover, Nover-Armstrong Associates (NAA)

1. Request for Amended Order
Request for Extension
DPW Engineering Department
Extension to Order of Conditions 118-583 – River Cleaning

Jacques Borges, City Engineer

Mr. Borges said that the DPW has been cleaning the rivers and brooks in City of Brockton for about 11 years now. He said that the job is put out to bid each year (if funding exists). He said that every three years they apply for an extension to the existing order. He said that he understands that the Commission is concerned about work done last year by the contractor that was hired.

Ms. Danielson said that she wants to make sure that the kind of work done by the contractor at Black Betty Brook does not happen again. Mr. Borges said they will speak with whoever gets the contract this time around so that there is no problem this year.

Ms. Danielson said that she would like to make sure the amended order addresses the following issues: The firm hired must have full understanding of the wetland protection act; the firm hired must have no outstanding violations with the COB; and prior to all activities the Conservation office is to be notified (except in an emergency situation).

A motion was properly made (Ford), seconded (Reilly) and unanimously passed to issue an amended order of conditions incorporating the following: The firm hired must have full understanding of the wetland protection act; the firm hired must have no outstanding violations with the COB; and prior to all activities the Conservation office is to be notified (except in an emergency situation).

A motion was properly made (Ford), seconded (Reilly) and unanimously passed to issue a three year extension to the order of conditions.

2. Notice of Intent
Address: 300 Manley Street
Applicant: Bernardi Auto
Representative: Metro West Engineering

Scott Henderson
Rob xx

Mr. Henderson let the Commission know that the consultants were generous with their time which has allowed them to move this project along.

The following changes were made to the project:

Piping was redirected and the infiltration system was enlarged; more of the parking lot is being infiltrated; some of storm sceptors were upsized; they added a stone check dam to improve TSS and they "tweaked" the erosion control.

Ms. Nover said they supplied the required quantification of the proposed alteration to Manley Street and provided quantification of proposed mitigation. She said they have met the performance standards. Mr. Nover said that the increase in impervious surface meets stormwater management regs.

Ms. Danielson noted the two acres of new impervious surface and asked how many cars will be located on the site and was told close to 1,000 vehicles. Amy Rossi said that some of the new area will be employee parking. Ms. Danielson asked if they considered grass pavers and was told no. She said there is green space is being lost; Mr. Henderson said that zoning requires only 2% green space and they are providing more. She said she is concerned about the undeveloped area being developed....the cumulative effect on the area. She asked if there were any other proposals for the area. Ms. Rossi said that because of the cost of the project they were looking at other options, but had nothing at this time. Rob xx said that there are no concrete plans to expand at this time.

Mr. Ford asked them to identify the vehicle storage area again; Mr. Henderson said that the darker gray area is vehicle storage area (mostly located in the middle to allow customers to view all cars from both dealerships).

Mr. Reilly asked about snow storage and was told that snow will be stored on site and will be moved off site when necessary (large snow falls). Mr. Reilly asked if the snow is trucked off site if it changes the recharge of the water. Mr. Nover said that they are proposing to meet DEP snow removal guidelines (which can be included in an order issued). He said that any snow being removed will be over and above and considered in excess.

Ms. Danielson said that future development will be looked at hard by the Commission. She asked if the project triggered MEMA review and was told it did not that the trigger is higher. Rob XX said that the NIPTY permit is ready and will be submitted upon clearing Conservation.

Mr. Ford wanted to make sure that the applicant realized that the Commission was not validating the boundary resource areas for anything but this project.

Rob XX said that they have made all the revisions to the plan that the consultants requested and has them with him. Ms. Danielson said that the Commission has a practice of not voting on plans that have not been reviewed. She said that she would like to have the hearing left open to the June 10th meeting to allow for the final review and will asked NAA to have a draft order of conditions ready for June 10th meeting for voting and issuance. The applicant agreed and asked that if there was any additional information needed that they be notified asap in order to provide it in time for the 10th.

Continued to June 10, 2010 by agreement of the parties.

3. Notice of Intent

Address: 1014 Pearl Street

Applicant: Jengeo LLC

Representative: John Holmgren, Jacobs, Ed JJK Holmgren Engineering, Inc.

Mark Maganello, LEC

The NAA dated 5-25-10 was read into the record.

Mark Maganello said that they have calculated the amount of BLSF that was disturbed. He said that 5,000 is allowed by DEP and that a Commission can allow up to 10,000. He said they can not document what was there before the disturbance; there is a lot of dense development in the area. He said to the rear of the property are forested wetlands. He said they are not taking the position there is no habitat value; there is some existing value. There is no room for small mammals to go under Pearl they must cross Pearl St. Restoration of the 25 river front area will provide a corridor for species to move. He said they can re-assess the wetland fees. He said they still have an issue with the floodplain boundary and have a copy of the study done for the abutting site and are having that reviewed by an Engineer. He said it is possible that the floodplain boundary may change and the building may be out of the floodplain. Mr. Holmgren said that they are looking for an extended continuance.

Ms. Nover said that the Messina project is still open and that the "big picture" needs to be looked at. She noted that some of fenced in area in on adjacent property (COB and Messing). Jenny Mathers (the property owner) said that she is waiting to move fences until this process is complete and it is expensive and only wants to do it once. Ms. Nover said that the floodplain study was part of an anrad study that has since expired. Mr. Holmgren said he is reasonably sure that they can get a LOMA issued.

Ms. Mathers stated that the potty areas to the west of the building are paved and they are now using organic products to disinfect the areas. Ms. Danielson asked that they provide the info on the products to the Commission and they can verify they are the correct product.

Ms. Nover said that a long term continuance is not necessary if they can come into an agreement regarding wildlife, etc. Several options for relocating the fencing were discussed. Ms. Mathers said that she would be willing to divide the fencing area down middle and move it onto her property. She said she intends to satisfy the Commission and will do what is necessary to get a favorable result. She said she has a total of 52 employees (18 full time).

Ms. Nover said that regarding any potential change to flood plain that the Commission still has jurisdiction within 100' and suggested plantings around the corner also.

Ms. Danielson said that the area is important because it provides respite and it would be helpful if the dogs could not see beyond the fencing and suggested adding screening on the fencing.

Mr. Ford said he would like to see fence pulled back and the area made smaller. Ms. Mathers said that lots of the wildlife come right up to the fence...there is a path now. She asked how much room the Commission would like to see. Mr. Holmgren said that

he can make the area rectangular. Ms. Danielson said she would like to see them fill in with as much vegetation as much as possible to allow for cover. Mr. Reilly asked if the proposed 100 plants are enough to restore the area. Ms. Nover suggested adding more but did note that the area is re-vegetating. Mr. Reilly asked if there was any problem with urine concentration by the river and Mr. Nover said that there is a considerable distance from resource area. Ms. Mathers said they are not replenishing the wood chips in the back but would like to be able to maintain the chips in the play area.

Ms. Danielson said that in addition to the other issues that need addressing, the applicant needs to address the addition of a dense border along the fence; the addition of screening on the fencing (Ms. Danielson said that once the growth comes up screening can be removed); wood chips are to be removed by hand; a three year monitoring of all plantings and management of invasives.

Mr. Holmgren asked for a continuance to the June 10th meeting. The Commission questioned whether or not this would be enough time to make the changes and supply the Commission with the revisions. Mr. Holmgren said that they would submit revised plans asap.

Continued to June 10, 2010 at the request of the applicant.

4. Request for Determination
Address: 38 Alexandras Way
Applicant: Richard Emanuel

Ms. Nover said that she did not look at the application, but has been out to the site. She said that the wetland was delineated for the over 55 housing development for that site. She said the work is in the outer 50' of 100' BZ. She said Mr. Emanuel would like to square off his yard and that will require a small amount of filling (14 yards). She said they suggest putting up silt fence along limit of work.

Ms. Danielson said that they want to make sure that the only work that is done is what has been presented to them. She asked if the proposal was to have the slope to meet existing grant and Mr. Emanuel said yes. He said that over the years the back portion of his yard has eroded. Ms. Danielson said that the installation of the silt fencing will need to be inspected by NAA.

A motion was properly made (Bosco), seconded (Ford) and unanimously passed to close the hearing.

A motion was properly made (Reilly), seconded (Bosco) and unanimously passed to issue a negative 3b determination with the following conditions: maximum of 14 yards of fill, installation of silt fence to be inspected by NAA and all work is to conform to the sketch that was attached with the application.

5. Request for Extension
Woodland Park Project – Loring Street
Order of Conditions 118-505 (Second Extension Request)

Larry Silva
Brian Porter

Ms. Danielson said that the original date in the order had a June expiration date but that the subsequent modification has a 2011 date. She said she would like to table this request to take a look at date issues to be on the safe side. The applicant agreed to the continuance.

Continue to June 10, 2010 by agreement of the parties.

6. Notice of Intent

Address: Plot 14 Sargents Way

Applicant: George Millette

Representative: Jennifer Turcott, Green Environmental

Mr. Nover said that revised plans and drainage calcs were submitted. He noted that this was the fourth submittal for the site. He said NAA did not witness the test hole as was previously requested. He noted that the original test holes had different soils and the water table is lower. He said that the grading plan shows the site at its original state at the time of ANRAD, but there is no setback between slope and new infiltration system.

Mr. Nover said he did not prepare a review letter at this time. He said that he would like them to do another test hole so that they can witness it and with the Commission's approval would like to sit down with Green Environmental. He said that the wetland replication is not doing well.

Ms. Turcott asked for a continuance to the July 15th meeting she said that she expects to hear back from the gas company with a final decision of the work over the easement by that time.

Continued to July 15th by agreement of the parties.

7. Notice of Intent

Address: Lot 3 (45) Pearl Way

Applicant: Cotsweld Builders

Representative: Pilling Engineering

Continued to June 10, 2010 at the request of the applicant.

8. Notice of Intent

Address: Lot 10 (28 Pearl Way)

Applicant: Cotsweld Builders

Representative: Pilling Engineering

Continued to June 10, 2010 at the request of the applicant.

9. Notice of Intent

Address: 899 Belmont Street

Applicant: Saad, Inc.

Representative: Gallagher Engineering

The matter was tabled (not tabled to a date certain). Abutters will need to be re-notified.

Other Business

Woodland Park – Discussion regarding the drainage problem on the site from the pipe that was installed and discharges on their property.

Minutes

Minutes from May 13th were not accepted. Corrections were made to the portion regarding Stone Farm Conservation Land.

Discussion on proposed fee changes put off to a subsequent meeting.

Brockton Power OOC

Discussion of proposed changed made to plan and their need for an amendment to OOC. NAA is to draft letter for review.